

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 12-14, 16-17, and possibly 1-9, drawn to adhesive tape and double-faced tape, and a **polymerizable** adhesive composition.

Group II, claim(s) 10-11, 15, 18, drawn to methods of using the invention of group I.

Group III, claim(s) 19, and possibly 1-9, drawn to an electroluminescent device sealed by a **polymerized** adhesive composition.

2. Examiner notes a serious ambiguity in claims 1-9 drawn to the composition. It is unclear from the claim language whether the composition is unpolymerized or polymerized material. Based on the relationship with the methods claimed, and the adhesive tapes as claimed, it appears that the composition is unpolymerized. However, the claim states "initiating a curing reaction by light irradiation and proceeding the curing reaction by a dark reaction even after interrupting the light irradiation." It is unclear whether this statement is intended as a process limitation (resulting in a polymerized product), or a statement of intended use. As such the composition claims would fall into

two groups, depending on whether the claims are drawn to the unpolymerized or polymerized composition.

3. Clarification of claim 1 is required, the result of which will determine which of the groups contains the composition claims. If the composition is the unpolymerized material, the claims are groups in Invention I, if the composition is the polymerized product, the claims group in Invention III.

4. Election of one of inventions I, II, or III can then be made.

5. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product of group I can be practiced with other processes, where adhesive is applied prior to photoinitiation, and are not limited to photoinitiation prior to application of the adhesive.

6. Inventions I and III are directed to related distinct products. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed the polymerizable composition is distinct from the electroluminescent device which has been sealed by a different polymerized

composition, since the non-polymerized composition would be non-functional as an adhesive material, and therefore not a structural feature of the electroluminescent device. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

7. Inventions II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the sealed electroluminescent device of invention III can be made by methods other than the methods described in invention II, including non-photopolymerized sealing, or initiating photopolymerization after application of the adhesive.

8. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

9. The composition of claim 1, which comprises a photo cationic polymerizable adhesive material, and a photo cationic polymerization initiator is not novel as evidenced by Komatsu et al. (JP 2001-085155).

10. Komatsu et al. describe an adhesive material used in an electroluminescent device which is composed of a photopolymerizable material (a bisphenol epoxy resin [0025] and a photo cationic initiator [0026]).

11. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

12. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

13. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

14. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Nelson whose telephone number is 571-270-3453. The examiner can normally be reached on M-F 7:30am-5:00pm EST (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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